

Senate Bill 315

By: Senators Smith of the 52nd and Hawkins of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
2 payment and disposition of fines, so as to abolish the Georgia Driver's Education
3 Commission and transfer the purposes and duties of such commission to the State Board of
4 Education; to provide that the State Board of Education shall develop and implement
5 programs of driver education through local school systems; to authorize the State Board of
6 Education to make certain recommendations concerning driver education and safety; to
7 authorize the State Board of Education to accept certain grants and gifts to fund driver
8 education programs; to extend the collection of certain additional penalties for traffic
9 violations; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia
10 Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to change
11 the age for the issuance of certain driver's licenses and instructional permits; to provide for
12 an increase in the age for the issuance of certain driver's licenses and instructional permits
13 upon the certification of the availability of driver education programs by the State Board of
14 Education; to provide for related matters; to provide an effective date; to repeal conflicting
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and
19 disposition of fines, is amended by revising Article 10, relating to the Georgia Driver's
20 Education Commission, as follows:

21 "ARTICLE 10

22 15-21-170.

23 This article shall be known and may be cited as 'Joshua's Law.'

1 15-21-171.

2 ~~As used in this article, the term 'commission' means the Georgia Driver's Education~~
3 ~~Commission created in Code Section 15-21-172. It shall be the duty and responsibility of~~
4 ~~the State Board of Education to develop and implement programs of driver education~~
5 ~~through the public school systems in this state. The State Board of Education shall provide~~
6 ~~such instruction in driver education to all students in each school district either free of~~
7 ~~charge or for a reasonable fee to cover the costs of providing such instruction that is not~~
8 ~~funded by the moneys received from grants, gifts, and appropriations for such driver~~
9 ~~education instruction.~~

10 15-21-172.

11 ~~There is established the Georgia Driver's Education Commission, which is assigned to the~~
12 ~~Department of Driver Services for administrative purposes only, as prescribed in Code~~
13 ~~Section 50-4-3 On the effective date of this Code section, the Georgia Driver's Education~~
14 ~~Commission shall be abolished and the terms of its members shall terminate.~~

15 15-21-173.

16 ~~(a) The Georgia Driver's Education Commission shall consist of eight members who shall~~
17 ~~serve for terms of four years, except that the members in office on April 21, 2006, shall~~
18 ~~serve the terms to which they were originally appointed. The State Board of Education~~
19 ~~shall appoint one member of the commission and the Department of Driver Services shall~~
20 ~~appoint two members of the commission. The director of the Governor's Office of~~
21 ~~Highway Safety shall appoint one member of the commission. The remaining four~~
22 ~~members of the commission shall be appointed by the Governor, two of whom shall be~~
23 ~~public school driver's education providers and the other two shall be private driver's~~
24 ~~education providers. The Governor shall also establish initial terms of office for all~~
25 ~~members of the commission within the limitations of this subsection.~~

26 ~~(b) In the event of death, resignation, disqualification, or removal for any reason of any~~
27 ~~member of the commission, the vacancy shall be filled in the same manner as the original~~
28 ~~appointment and the successor shall serve for the unexpired term.~~

29 ~~(c) Membership on the commission does not constitute a public office, and no member~~
30 ~~shall be disqualified from holding public office by reason of his or her membership.~~

31 ~~(d) The Governor shall designate a chairperson of the commission from among the~~
32 ~~members, which chairperson shall serve in that position at the pleasure of the Governor.~~
33 ~~The commission may elect such other officers and committees as it considers appropriate.~~

1 ~~(e) The commission, with the approval of the Governor, may employ such professional,~~
 2 ~~technical, or clerical personnel as deemed necessary to carry out the purposes of this article~~
 3 ~~Reserved.~~

4 15-21-174.

5 ~~Members of the commission shall serve without compensation but shall receive the same~~
 6 ~~expense allowance per day as that received by a member of the General Assembly for each~~
 7 ~~day such member of the commission is in attendance at a meeting of such commission, plus~~
 8 ~~either reimbursement for actual transportation costs while traveling by public carrier or the~~
 9 ~~same mileage allowance for use of a personal car in connection with such attendance as~~
 10 ~~members of the General Assembly receive. Such expense and travel allowance shall be~~
 11 ~~paid in lieu of any per diem, allowance, or other remuneration now received by any such~~
 12 ~~member for such attendance Reserved.~~

13 15-21-175.

14 ~~(a) The commission shall do all of the following:~~

15 ~~(1) Meet at such times and places as it shall determine necessary or convenient to~~
 16 ~~perform its duties. The commission shall also meet on the call of the chairperson or the~~
 17 ~~Governor;~~

18 ~~(2) Maintain minutes of its meetings;~~

19 ~~(3) Adopt rules and regulations for the transaction of its business;~~

20 ~~(4) Accept applications for disbursements of available moneys;~~

21 ~~(5) Maintain records of all expenditures of the commission, funds received as gifts and~~
 22 ~~donations, and disbursements made; and~~

23 ~~(6) Conform to the standards and requirements prescribed by the state accounting office~~
 24 ~~pursuant to Chapter 5B of Title 50.~~

25 ~~(b) The commission shall utilize existing state resources and staff of participating~~
 26 ~~departments whenever practicable Reserved.~~

27 15-21-176.

28 The commission State Board of Education may recommend to the Governor and the
 29 General Assembly changes in state programs, statutes, policies, budgets, and standards
 30 relating to the provision of driver education and training in this state, with the objective of
 31 maximizing participation in driver's education and training and accident reduction.

1 15-21-177.

2 The ~~commission~~ State Board of Education may accept federal funds granted by Congress
3 or executive order for the purposes of this article as well as gifts and donations from
4 individuals, private organizations, or foundations. The acceptance and use of federal funds
5 ~~do~~ shall not commit state funds and ~~do~~ shall not place an obligation upon the General
6 Assembly to continue the purposes for which the federal funds are made available.

7 15-21-178.

8 The ~~commission may authorize the disbursement of~~ State Department of Education shall
9 utilize the available funds from moneys appropriated to the ~~commission~~ board by the
10 General Assembly for purposes of providing driver education and training ~~to a person,~~
11 ~~entity, or program eligible pursuant to criteria to be set by the commission.~~ Nothing in this
12 Code section shall be construed to limit the authority of the Department of Driver Services
13 under Chapter 13 of Title 43, 'The Driver Training School and Commercial Driver Training
14 School License Act.'

15 15-21-179.

16 (a) In every case in which any court in this state shall impose a fine or bond payment,
17 which shall be construed to include costs, for any violation of the traffic laws of this state
18 or for violations of ordinances of political subdivisions which have adopted by reference
19 the traffic laws of this state, there shall be imposed as an additional penalty a sum equal to
20 5 percent of the original fine.

21 (b) Such sums shall be in addition to any amount required to be paid into any pension,
22 annuity, or retirement fund under Title 47 or any other law and in addition to any other
23 amounts provided for in this article.

24 (c) This Code section shall be repealed in its entirety on June 30, ~~2008~~ 2013, unless
25 extended by an Act of the General Assembly.

26 15-21-180.

27 (a) The sums provided for in Code Section 15-21-179 shall be assessed and collected by
28 the clerk or other court officer charged with the duty of collecting moneys from fines and
29 shall be paid over by the last day of the following month to the Georgia Superior Court
30 Clerks' Cooperative Authority for remittance to the Office of Treasury and Fiscal Services
31 to be deposited into the general fund of the state treasury.

32 (b) Any person whose duty it is to collect and remit the sums provided for in this article
33 who refuses to so remit shall be guilty of a misdemeanor.

1 15-21-181.

2 As soon as practicable after the end of each fiscal year, the Office of Treasury and Fiscal
3 Services shall report the amount of funds received pursuant to Code Section 15-21-179 to
4 the Office of Planning and Budget and the ~~commission~~ State Board of Education. It is the
5 intent of the General Assembly that, subject to appropriation, an amount equal to such
6 proceeds received from such fines in any fiscal year shall be made available during the
7 following fiscal year to the ~~commission~~ State Board of Education for the purposes set forth
8 in Code Section 15-21-178."

9 **SECTION 2.**

10 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
11 issuance, expiration, and renewal of drivers' licenses, is amended by striking Code Section
12 40-5-22, relating to persons not to be licensed and minimum ages for licenses, in its entirety
13 and inserting in lieu thereof a new Code Section 40-5-22 to read as follows:

14 "40-5-22.

15 (a) Except as otherwise provided in this Code section, the department shall not issue any
16 Class C driver's license to any person who is under 18 years of age or Class M driver's
17 license to any person who is under the age of 16 years, except that the department may,
18 under subsection (a) of Code Section 40-5-24, issue a Class P instruction permit permitting
19 the operation of a noncommercial Class C vehicle to any person who is at least 15 years
20 of age, and may, under subsection (b) of Code Section 40-5-24, issue a Class D driver's
21 license permitting the operation of a noncommercial Class C vehicle to any person who is
22 at least 16 years of age. On and after January 1, 1985, the department shall not issue any
23 driver's license to any person under 18 years of age unless such person presents a
24 certificate or other evidence acceptable to the department which indicates satisfactory
25 completion of an alcohol and drug course as prescribed in subsection (b) of Code Section
26 20-2-142; provided, however, that a person under 18 years of age who becomes a resident
27 of this state and who has in his or her immediate possession a valid license issued to him
28 or her in another state or country shall not be required to take or complete the alcohol and
29 drug course. The department shall not issue a driver's license or a Class P instruction
30 permit for the operation of a Class A or B vehicle or any commercial driver's license to any
31 person who is under the age of 18 years.

32 (a.1)(1) The department shall not issue an instruction permit or driver's license to a
33 person who is younger than 18 years of age unless at the time such minor submits an
34 application for an instruction permit or driver's license the applicant presents acceptable
35 proof that he or she has received a high school diploma, a general educational
36 development (GED) diploma, a special diploma, or a certificate of high school

1 completion or has terminated his or her secondary education and is enrolled in a
 2 postsecondary school, is pursuing a general educational development (GED) diploma, or
 3 the records of the department indicate that said applicant:

4 (A) Is enrolled in and not under expulsion from a public or private school and has
 5 satisfied relevant attendance requirements as set forth in paragraph (2) of this
 6 subsection for a period of one academic year prior to application for an instruction
 7 permit or driver's license; or

8 (B) Is enrolled in a home education program that satisfies the reporting requirements
 9 of all state laws governing such program.

10 The department shall notify such minor of his or her ineligibility for an instruction permit
 11 or driver's license at the time of such application.

12 (2) The department shall forthwith notify by certified mail or statutory overnight
 13 delivery, return receipt requested, any minor issued an instruction permit or driver's
 14 license in accordance with this subsection other than a minor who has terminated his or
 15 her secondary education and is enrolled in a postsecondary school or who is pursuing a
 16 general educational development (GED) diploma that such minor's instruction permit or
 17 driver's license is suspended subject to review as provided for in this subsection if the
 18 department receives notice pursuant to Code Section 20-2-701 that indicates that such
 19 minor:

20 (A) Has dropped out of school without graduating and has remained out of school for
 21 ten consecutive school days;

22 (B) Has ten or more school days of unexcused absences in the current academic year
 23 or ten or more school days of unexcused absences in the previous academic year; or

24 (C) Has been found in violation by a hearing officer, panel, or tribunal of one of the
 25 following offenses, has received a change in placement for committing one of the
 26 following offenses, or has waived his or her right to a hearing and pleaded guilty to one
 27 of the following offenses:

28 (i) Threatening, striking, or causing bodily harm to a teacher or other school
 29 personnel;

30 (ii) Possession or sale of drugs or alcohol on school property or at a school sponsored
 31 event;

32 (iii) Possession or use of a weapon on school property or at a school sponsored event.

33 For purposes of this subparagraph, the term 'weapon' shall be defined in accordance
 34 with Code Section 16-11-127.1 but shall not include any part of an archeological or
 35 cultural exhibit brought to school in connection with a school project;

36 (iv) Any sexual offense prohibited under Chapter 6 of Title 16; or

1 (v) Causing substantial physical or visible bodily harm to or seriously disfiguring
2 another person, including another student.

3 Notice given by certified mail or statutory overnight delivery with return receipt
4 requested mailed to the person's last known address shall be prima-facie evidence that
5 such person received the required notice. Such notice shall include instructions to the
6 minor to return immediately the instruction permit or driver's license to the department
7 and information summarizing the minor's right to request an exemption from the
8 provisions of this subsection. The minor so notified may request in writing a hearing
9 within ten business days from the date of receipt of notice. Within 30 days after
10 receiving a written request for a hearing, the department shall hold a hearing as provided
11 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such
12 hearing, the department shall sustain its order of suspension or rescind such order. The
13 department shall be authorized to grant an exemption from the provisions of this
14 subsection to a minor, upon such minor's petition, if there is clear and convincing
15 evidence that the enforcement of the provisions of this subsection upon such minor would
16 create an undue hardship upon the minor or the minor's family or if there is clear and
17 convincing evidence that the enforcement of the provisions of this subsection would act
18 as a detriment to the health or welfare of the minor. Appeal from such hearing shall be
19 in accordance with said chapter. If no hearing is requested within the ten business days
20 specified above, the right to a hearing shall have been waived and the instruction permit
21 or driver's license of the minor shall remain suspended. The suspension provided for in
22 this paragraph shall be for a period of one year or shall end upon the date of such minor's
23 eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has
24 received a general educational development (GED) diploma, a high school diploma, a
25 special diploma, a certificate of high school completion, or has terminated his or her
26 secondary education and is enrolled in a postsecondary school, whichever comes first.

27 (3) The State Board of Education and the commissioner of driver services are authorized
28 to promulgate rules and regulations to implement the provisions of this subsection.

29 (4) The Department of Technical and Adult Education shall be responsible for
30 compliance and noncompliance data for students pursuing a general educational
31 development (GED) diploma.

32 (a.2)(1) On and after January 1, 2002, the department shall not issue any initial Class D
33 driver's license or, in the case of a person who has never been issued a Class D driver's
34 license by the department or the equivalent thereof by any other jurisdiction, any initial
35 Class C driver's license unless such person:

36 (A) Has completed an approved driver education course in a licensed private or public
37 driver training school and in addition a cumulative total of at least 40 hours of other

1 supervised driving experience including at least six hours at night, all of which is
2 verified in writing signed before a person authorized to administer oaths by a parent or
3 guardian of the applicant or by the applicant if such person is at least 18 years of age;
4 or

5 (B) Has completed a cumulative total of at least 40 hours of supervised driving
6 experience including at least six hours at night, and the same is verified in writing
7 signed before a person authorized to administer oaths by a parent or guardian of the
8 applicant or by the applicant if such person is at least 18 years of age.

9 (2) The commissioner shall by rule or regulation establish standards for approval of any
10 driver education course for purposes of subparagraph (A) of paragraph (1) of this
11 subsection, provided that such course shall be designed to educate young drivers about
12 safe driving practices and the traffic laws of this state and to train young drivers in the
13 safe operation of motor vehicles.

14 (3) For purposes of supervised driving experience under paragraph (1) of this subsection,
15 supervision shall be provided by a person at least 21 years of age who is licensed as a
16 driver for a commercial or noncommercial Class C vehicle, who is fit and capable of
17 exercising control over the vehicle, and who is occupying a seat beside the driver.

18 (4) For the purposes of this Code section, the term 'approved driver education training
19 course' shall include those driver education training courses approved by the department.

20 (b) Notwithstanding the provisions of subsection (a) of this Code section, any person 14
21 years of age who has a parent or guardian who is medically incapable of being licensed to
22 operate a motor vehicle due to visual impairment may apply for and, subject to the
23 approval of the commissioner, may be issued a restricted noncommercial Class P
24 instruction permit for the operation of a noncommercial Class C vehicle. Any person
25 permitted pursuant to this subsection shall be accompanied by such visually impaired
26 parent or guardian whenever operating a motor vehicle.

27 (c) The department shall not issue any driver's license to nor renew the driver's license of
28 any person:

29 (1) Whose license has been suspended during such suspension, or whose license has
30 been revoked, except as otherwise provided in this chapter;

31 (2) Whose license is currently under suspension or revocation in any other jurisdiction
32 upon grounds which would authorize the suspension or revocation of a license under this
33 chapter;

34 (3) Who is a habitual user of alcohol or any drug to a degree rendering him or her
35 incapable of safely driving a motor vehicle;

1 (4) Who has previously been adjudged to be afflicted with or suffering from any mental
 2 disability or disease and who has not at the time of application been restored to
 3 competency by the methods provided by law;

4 (5) Who is required by this chapter to take an examination, unless such person shall have
 5 successfully passed such examination;

6 (6) Who the commissioner has good cause to believe would not, by reason of physical
 7 or mental disability, be able to operate a motor vehicle with safety upon the highway; or

8 (7) Whose license issued by any other jurisdiction is suspended or revoked by such other
 9 jurisdiction during the period such license is suspended or revoked by such other
 10 jurisdiction.

11 (d) Beginning 60 days after the date that the State Board of Education certifies to the
 12 commissioner that adequate programs of driver education are in place throughout the state,
 13 no person under 17 years of age shall be issued any Class M driver's license or any Class
 14 D driver's license permitting the operation of a noncommercial Class C vehicle unless such
 15 person shall be at least 16 years of age and have completed an approved driver education
 16 training course in a licensed public or private driver training school and have a cumulative
 17 total of at least 40 hours of other supervised driving experience including at least six hours
 18 at night, all of which is verified in writing signed before a person authorized to administer
 19 oaths by a parent or guardian of the applicant; provided, however, that a person who is 16
 20 years of age who becomes a resident of this state, who meets all of the requirements for the
 21 issuance of a Class D license with the exception of the completion of an approved driver
 22 education training course and at least 40 hours of supervised driving experience, and who
 23 has in his or her immediate possession a valid driver's license equivalent to a Class C
 24 license issued to him or her in another state or country may be issued a Class D license."

25 SECTION 3.

26 Said article is further amended by striking Code Section 40-5-24, relating to instruction
 27 permits and graduated licensing, in its entirety and inserting in lieu thereof a new Code
 28 Section 40-5-24 to read as follows:

29 "40-5-24.

30 (a)(1) Any resident of this state who is at least 15 years of age may apply to the
 31 department for an instruction permit to operate a noncommercial Class C vehicle. The
 32 department shall, after the applicant has successfully passed all parts of the examination
 33 referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an
 34 instruction permit which shall entitle the applicant, while having such permit in his or her
 35 immediate possession, to drive a Class C vehicle upon the public highways for a period
 36 of two years when accompanied by a person at least 21 years of age who is licensed as

1 a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of
2 exercising control over the vehicle, and who is occupying a seat beside the driver.

3 (2) Except as otherwise provided in this subsection, a person who has been issued an
4 instruction permit under this subsection and has never been issued a Class D driver's
5 license under subsection (b) of this Code section will become eligible for a Class D
6 driver's license under subsection (b) of this Code section only if such person is at least
7 16 years of age, has a valid instruction permit which is not under suspension, and, for a
8 period of not less than 12 consecutive months prior to making application for a Class D
9 driver's license, has not been convicted of a violation of Code Section 40-6-391, hit and
10 run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on
11 highways or streets, using a motor vehicle in fleeing or attempting to elude an officer,
12 reckless driving, or convicted of any offense for which four or more points are assessable
13 under subsection (c) of Code Section 40-5-57.

14 (3) This subsection does not apply to instruction permits for the operation of
15 motorcycles.

16 (4) Beginning 60 days after the date that the State Board of Education certifies to the
17 commissioner that adequate programs of driver education are in place throughout the
18 state, no Class D driver's license shall be issued to any person under 17 years of age
19 unless such person is at least 16 years of age, meets all of the other qualifications of
20 paragraph (2) of this subsection except for age, and has completed an approved driver
21 education training course as provided in subsection (a.2) of Code Section 40-5-22 shall
22 be eligible for a Class D driver's license.

23 (b)(1) Except as otherwise provided in this subsection, any resident of this state who is
24 at least 16 years of age and who, for a period of at least 12 months, had a valid instruction
25 permit issued under subsection (a) of this Code section may apply to the department for
26 a Class D driver's license to operate a noncommercial Class C vehicle if such resident has
27 otherwise complied with all prerequisites for the issuance of such Class D driver's license
28 as provided in subsection (a) of this Code section, provided that a resident at least 16
29 years of age who has at any age surrendered to the department a valid instruction permit
30 or driver's license issued by another state or the District of Columbia or who has
31 submitted to the department proof, to the satisfaction of the department, of a valid
32 instruction permit or driver's license issued by another state or the District of Columbia
33 may apply his or her driving record under such previously issued permit or driver's
34 license toward meeting the eligibility requirements for a Class D driver's license the same
35 as if such previously issued permit or driver's license were an instruction permit issued
36 under subsection (a) of this Code section.

1 (2) The department shall, after all applicable requirements have been met, issue to the
2 applicant a Class D driver's license which shall entitle the applicant, while having such
3 license in his or her immediate possession, to drive a Class C vehicle upon the public
4 highways of this state under the following conditions:

5 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public
6 roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00
7 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

8 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the
9 public roads, streets, or highways of this state when more than three other passengers
10 in the vehicle who are not members of the driver's immediate family are less than 21
11 years of age.

12 (ii) During the six-month period immediately following issuance of such license, any
13 Class D license holder shall not drive a Class C motor vehicle upon the public roads,
14 streets, or highways of this state when any other passenger in the vehicle is not a
15 member of the driver's immediate family.

16 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the
17 second six-month period immediately following issuance of such license, any Class
18 D license holder shall not drive a Class C motor vehicle upon the public roads, streets,
19 or highways of this state when more than one other passenger in the vehicle who is
20 not a member of the driver's immediate family is less than 21 years of age;

21 provided, however, that a Class D license holder shall not be charged with a violation of
22 this paragraph alone but may be charged with violating this paragraph in addition to any
23 other traffic offense.

24 (3) A person who has been issued a Class D driver's license under this subsection and
25 has never been issued a Class C driver's license under this chapter will become eligible
26 for a Class C driver's license under this chapter only if such person has a valid Class D
27 driver's license which is not under suspension and, for a period of not less than 12
28 consecutive months prior to making application for a Class C driver's license, has not
29 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
30 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using
31 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted
32 of any offense for which four or more points are assessable under subsection (c) of Code
33 Section 40-5-57 and is at least 18 years of age.

34 (4) Beginning 60 days after the date that the State Board of Education certifies to the
35 commissioner that adequate programs of driver education are in place throughout the
36 state, no Class D driver's license shall be issued to any person under 17 years of age
37 unless such person is at least 16 years of age, meets all of the other qualifications of

1 paragraph (1) of this subsection except for age, and has completed an approved driver
2 education training course as provided in subsection (a.2) of Code Section 40-5-22 shall
3 be eligible for a Class D driver's license.

4 (c)(1) Except as otherwise provided in this subsection, any resident of this state who is
5 at least 16 years of age may apply to the department for a noncommercial Class M
6 motorcycle instruction permit. The department shall, after the applicant has successfully
7 passed all parts of the examination other than the driving test, issue to the applicant an
8 instruction permit which shall entitle the applicant, while having such permit in his or her
9 immediate possession, to drive a motorcycle or a motor driven cycle upon the public
10 highways for a period of six months. A motorcycle instruction permit shall not be valid
11 when carrying passengers, on a limited access highway, or at night.

12 (2) Beginning 60 days after the date that the State Board of Education certifies to the
13 commissioner that adequate programs of driver education are in place throughout the
14 state, no Class M motorcycle instruction permit shall be issued to any person under 17
15 years of age unless such person is at least 16 years of age, meets all of the other
16 qualifications of paragraph (1) of this subsection except for age, and has completed an
17 approved driver education training course as provided in subsection (a.2) of Code Section
18 40-5-22 shall be eligible for a Class M motorcycle instruction permit.

19 (d) Any resident of this state who is at least 18 years of age may apply to the department
20 for an instruction permit to operate noncommercial vehicles in Classes A and B. Such
21 permits may be issued only to persons with valid commercial or noncommercial Class C
22 licenses or persons who have passed all required tests for a commercial or noncommercial
23 Class C license. The department shall, after the applicant has successfully passed all parts
24 of the appropriate examination other than the skill and driving test, issue to the applicant
25 an instruction permit which shall entitle the applicant, while having the permit in his or her
26 immediate possession, to operate a vehicle of the appropriate noncommercial class upon
27 the public highways for a period of 12 months when accompanied by a licensed driver,
28 qualified in the vehicle being operated, who is fit and capable of exercising control over
29 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being
30 issued a driver's license for Classes A and B, the applicant shall pass a knowledge and skill
31 test for driving a Class A or B vehicle as provided by the commissioner.

32 (e) The department shall issue a temporary driver's permit to an applicant for a driver's
33 license permitting him or her to operate a specified type or class of motor vehicle while the
34 department is completing its investigation and determination of all facts relative to such
35 applicant's eligibility to receive a driver's license. Such permit must be in his or her
36 immediate possession while operating a motor vehicle, and it shall be invalid when the
37 applicant's license has been issued or for good cause has been refused. Such permit shall

1 be valid for no more than 45 days. When a license has been refused, the permit shall be
2 returned to the department within ten days of receipt of written notice of refusal.

3 (f) For the purposes of this Code section, the term 'approved driver education training
4 course' shall include those driver education training courses approved by the department."

5 **SECTION 4.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law
7 without such approval.

8 **SECTION 5.**

9 All laws and parts of laws in conflict with this Act are repealed.